

Jeffrey K. Lee (Bar No. 212465)
 William D. Connell (Bar No. 89124)
 Kathryn C. Curry (Bar No. 157099)
 GCA LAW PARTNERS LLP
 1891 Landings Drive
 Mountain View, CA 94043
 Telephone: (650) 428-3900
 Facsimile: (650) 428-3901
 Email: jlee@gcalaw.com
 Email: bconnell@gcalaw.com

Layne Friedrich (Bar No. 195431)
 Drevet Hunt (Bar No. 240487)
 LAWYERS FOR CLEAN WATER, INC.
 1004 O'Reilly Avenue
 San Francisco, California 94129
 Telephone: (415) 440-6520
 Facsimile: (415) 440-4155
 Email: layne@lawyersforcleanwater.com

Additional counsel of record listed below

Attorneys for Plaintiffs HUMBOLDT BAYKEEPER
 and ECOLOGICAL RIGHTS FOUNDATION

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

HUMBOLDT BAYKEEPER, a program of
 Ecological Rights Foundation, and
 ECOLOGICAL RIGHTS FOUNDATION, a
 non-profit corporation,
 Plaintiffs,
 v.

UNION PACIFIC RAILROAD COMPANY, a
 Delaware corporation, NORTH COAST
 RAILROAD AUTHORITY, a state agency,
 and CUE VI, LLC, an Alaska limited liability
 company,
 Defendants.

Civil Case No.: C 06-02560 JSW WDB

**STIPULATED REQUEST TO CONTINUE
 FURTHER CASE MANAGEMENT
 CONFERENCE; ~~PROPOSED~~ ORDER**

Date: February 6, 2009
 Time: 1:30 p.m.
 Place: Courtroom 2
 Judge: Honorable Jeffrey S. White

1 Pursuant to Civil Local Rules 6-1(b) and 6-2, and this Court's Civil Standing Order, ¶ 3,
2 Plaintiffs Humboldt Baykeeper and Ecological Rights Foundation and Defendants Union Pacific
3 Railroad Company, CUE VI, LLC, and North Coast Railroad Authority (collectively, the "Parties")
4 hereby stipulate and jointly request the Court continue the February 6, 2009 further case
5 management conference and associated deadlines. The Parties requested that the further case
6 management conference be rescheduled for February 13, 2009 and the deadline for the associated
7 further case management statement be continued to February 6, 2009. Plaintiffs' request the
8 continuance because Plaintiffs' counsel, Ms. Friedrich, has a conflict with the February 6, 2009 date
9 that has arisen since the Court set the case management conference and will be unable to appear at
10 the further case management conference.

12 The parties jointly declare the following in support of this request:

13 WHEREAS, the Court's October 16, 2008 order requires that the Parties to appear for a
14 further case management conference on February 6, 2009; and

16 WHEREAS, the Court upon its own motion has modified the deadlines twice; and

17 WHEREAS, the Parties have sought four previous modifications to the deadlines in this case,
18 including requesting a continuation of the pre-trial conference and associated deadlines; and

19 WHEREAS, in response to the request to continue the pre-trial conference and associated
20 deadlines, the Court issued an order vacating and continuing the conference and deadlines, vacating
21 the trial dates, and stating that it would reset these dates if necessary upon ruling on the cross-
22 motions for summary judgment; and

24 WHEREAS, the Court set the February 6, 2009 further case management conference and
25 ordered the Parties to submit by January 30, 2009 a further case management statement setting forth
26 proposed dates for the pre-trial conference and trial;

1 WHEREFORE Plaintiffs and Defendants hereby jointly request that the Court issue an order
2 vacating and continuing the February 6, 2009 further case management conference to February 13,
3 2009, and continuing the deadline for submission of the further case management statement to
4 February 6, 2009.

5 Dated: January 9, 2009

Respectfully submitted,

6
7 Jeffrey K. Lee
William D. Connell
8 Kathryn C. Curry
GCA LAW PARTNERS LLP

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10 Layne Friedrich
LAWYERS FOR CLEAN WATER, INC.

11
12 Michelle Smith
HUMBOLDT BAYKEEPER

13
14 Fredric Evenson
LAW OFFICES OF FREDRIC EVENSON

15
16 Attorneys for Plaintiffs
HUMBOLDT BAYKEEPER and ECOLOGICAL
RIGHTS FOUNDATION

17 By: /s/ Jeffrey K. Lee

18
19 Dated: January 9, 2009

Lawrence Bazel
20 Melanie Tang
BRISCOE IVESTER & BAZEL LLP

21 By: /s/ Lawrence Bazel (by permission)
Attorneys for Defendants
22 UNION PACIFIC RAILROAD COMPANY and
23 CUE VI, LLC

24 Dated: January 9, 2009

Christopher Neary

25
26 By: /s/ Christopher Neary (by permission)
Attorney for Defendant
27 NORTH COAST RAILROAD AUTHORITY

ATTESTATION

I, Drevet Hunt, am counsel for Plaintiffs and the registered ECF user whose username and password are being used to file this Stipulated Request to Vacate and Continue Pretrial Conference and Associated Dates and [Proposed] Order. In compliance with General Order 45 X.B, I hereby attest that the above-identified counsel for Defendants concurred in this filing.

Dated: January 9, 2009

Respectfully submitted,

By: /s/ Drevet Hunt

PROPOSED ORDER

After consideration of the Parties' Stipulated Request to Vacate and Continue further case management conference and for good cause appearing:

PURSUANT TO STIPULATION, IT IS SO ORDERED that the Court (1) continues the February 6, 2009 further case management conference; and (2) resets the further case management conference for February 13, 2009 at 1:30 p.m. and continues the deadline for submission of the further case management statement to February 6, 2009.

Dated: January 12, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE